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Attorney Docket: 622/42052DV
PATENT

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: PIUS GRUENENFELDER ET AL.
Serial No.: 08/902,331 Group Art Unit: 1745
Filed: JULY 29, 1997 Examiner: G. CANTELMO
Title: MAGNETRON ATOMIZATON SOURCE AND METHOD OF
USE THEREOF

REPLY BRIEF

Mail Stop Appeal Brief - Patents

Commissioner for Patents
P. O Box 1450
Alexandria VA 22313-1450

Sir:

The following is responsive to the Examiner's Answer mailed on or about May 6, 2003, to appellants Supplemental Appeal Brief filed on or about April 7, 2003. This Reply is submitted in triplicate in accordance with 37 C.F.R. §§ 1.192 and 1.193(b)(2). The requisite fee of \$320.00 set forth in 37 C.F.R. § 1.17(c) was previously submitted.

Related Appeals and Interferences

There are no related appeals and/or interferences.

Response to Grounds of Rejection

The Section 112, ¶ 1 rejection is based upon an incorrect understanding of the claimed invention and why it would have been readily discernible from the original disclosure by one of ordinary skill in the art.

The original disclosure was focused upon the problems of wasted target material and the consequent need for replacement. Applicants taught the need for preferred surface ratios (*e.g.*, page 5, lines 23 *et seq.*) as well as the need for certain dimensions as set forth at pages 9, line 15 to page 10, line 14; page 10, line 22 to page 11, line 15; and page 14, lines 15-23.

As the Haag Declaration clearly establishes, one of ordinary skill not only had in the information from the original disclosure to derive the target taper d_0 but also the motivation to do so for supplying replacement targets.


Thus, a rejection of the claims based upon alleged inadequate written description and/or enablement cannot withstand analysis. One of ordinary skill in this sophisticated art would not have needed the clear and sequential disclosure that the Examiner deems to have been necessary.

Reversal of the rejection is therefore respectfully requested.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response. Please charge any deficiency in fees or credit any overpayments to Deposit Account NO. 05-1323 (Docket No. 622/42052DC).

Respectfully submitted,

July 7, 2003



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